IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Crl.Rev.Pet.No. 661 of 2007()

---

CRA.263/2005 of ADDL.SESSIONS JUDGES COURT, FAST TRACK I ALAPPUZHA
CC.499/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II (MOBILE), ALAPPUZHA

.....

REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED

---

K.THYAGARAJAN @ RAJAN, S/O. KUNJUKUNJU,
LATHA NIVAS, SANATHANAN WARD, KALARCODE,
ALAPPUZHA.

BY ADV. SRI.GEORGE MATHEW

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

---

1. K.P.JOHN, AGED 61 YEARS,
KAITHAMUTTATHU HOUSE, M.O.WARD, ALAPPUZHA,
REP. BY HIS P.A HOLDER, GOPALAKRISHNAN NAIR @ AYYAPPAN, AGED 33 YEARS, KOTTARACHIRA PALACE WARD, ALAPPUZHA.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R. UDAYABHANU, J**

==========

**CRL. R.P. NO. 661 OF 2007**

==========

**Dated this the 14th day of February 2007**

**O R D E R**

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and also to pay a compensation of Rs. 80,000/- under section 357 (3) Cr.P.C and in default to undergo simple imprisonment for a period of three months and also ordered to pay a sum of Rs.2,000/- towards cost and in default to undergo simple imprisonment for 15 days. The findings are concurrent.

2. On a consideration of the decisions of the court below, I find that there is no ground to interfere. The case of the accused is that the impugned cheque was stolen by the complainant. No evidence was adduced in support of the above plea. Nothing has been brought out in the cross examination of PW1 in this regard.

3. All the same, considering the plea of the counsel for the revision petitioner sentence is modified to imprisonment till rising of the court and the rest of the sentence is affirmed. The revision

petitioner shall remit the amount of compensation less amount deposited within two months from today onwards. The revision petitioner/accused shall appear before Judicial First Class Magistrate Court II(Mobile), Alappuzha on 16.04.2007 to receive sentence.

The Crl. R.P. is disposed of accordingly.

**K.R. UDAYABHANU, JUDGE.**

RV